



Hon. Sylvia O. Hinds-Radix
Corporation Counsel

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July 31, 2023

By ECF

The Honorable Paul A. Engelmayer
United States District Judge
United States District Court, Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Katargaris v. The City of New York*, 22-CV-7400 (PAE)(BCM)

Your Honor:

I am an Assistant Corporation Counsel in the office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for defendant City of New York ("City") in the above-referenced matter. Pursuant to Section 1(E) of Your Honor's Individual Rules, the parties submit this joint letter requesting an extension of time to conduct discovery on the issue of timeliness and for the briefing of defendant's summary judgment motion.

The parties request a sixty-seven (67) day extension, from August 7, 2023 to October 13, 2023, to conduct discovery on the issue of timeliness which the parties anticipate will include exchanging documents and conducting several depositions.

Furthermore, the parties request that: (1) defendant's time to file its motion for summary judgment be extended from August 14, 2023 to October 27, 2023; (2) plaintiff's time to file a response to defendant's motion be extended from August 21, 2023 to November 10, 2023; and (3) defendant's time to file a reply be extended from August 24, 2023 to November 22, 2023. The parties request this extension due to conflicting litigation and summer vacation schedules and the need to contact, obtain records, and possibly depose a third-party vendor. This is the parties' first request for an extension of time of the deadlines set forth in the Court's July 17, 2023 Order (ECF No. 37) and no other dates will be affected by this extension.

Granted. Given the length of the extension, the parties should not expect further extensions absent extraordinary circumstances. As the issue of timeliness is potentially dispositive, the Court will rule on the summary judgment motion before turning, if needed, to the other ground for dismissal (whether plaintiff's procedural due process claim fails as a matter of law). Accordingly, the Court dismisses the pending motion to dismiss without prejudice to the parties re-filing the motion after the Court rules on the question of timeliness. The Clerk of Court is respectfully directed to close the motion pending at docket number 30.
SO ORDERED.

Respectfully submitted,

Jessica Katzen
Assistant Corporation Counsel

cc: Attorneys for Plaintiff (via ECF)

PAUL A. ENGELMAYER
United States District Judge
July 31, 2023